

# INDIGENOUS PEOPLES STRUGGLE FOR COMMUNAL LANDS IN SUNDARGARH, INDIA

Prem Singh Tharu





Throughout the world, indigenous peoples live on ancestral land and territories, governed by their cultural and traditional norms and values. Their lives and livelihoods are heavily dependent on natural resources and these are managed in a way which is similar to that envisioned by the Sustainable Development Goals (SDG). In recent years, however, governments and corporations have been grabbing and exploiting indigenous community land and establishing industries in these resource-rich areas – for example in Odisha, India. In the Telighana village of Sundargarh, indigenous people are struggling to protect their land, as their rights are not recognised. Their fight is an example and a source of inspiration.

Industrial corporations are disturbing indigenous people's natural way of living and violating their human rights. Very few of their initiatives in the rural areas been preceded by a proper Environmental Impact Analysis (EIA) or a Social Impact Analysis (SIA), and no attempt is made to negotiate an informed consent before activities take place. In addition, villagers' self-determined development is consciously ignored, and as no proper resettlement plans are made, the health, education, employment and social security of displaced communities is put at risk.

The district of Sundargarh, in the state of Odisha, India, provides a clear example of the land grabbing and community displacement practices that are also taking place in the neighbouring states of Chhattisgarh and Jharkhand – and in many other parts of the world. In 2015, a fact-finding report conducted by the People's Union of Civil Liberties (PUCI) showed that land grabbing practices entail serious human rights violations. When indigenous communities protest, they are accused of being “anti-development”, of creating barriers to the government's plans and projects, and of being anti-nationalist as well. Their leaders are frequently falsely charged, arrested, and even tortured.

In 2011, indigenous people accounted for slightly more than 50% of the population of the district. The Odisha Government has recognised this district as an

industrial area because many companies and industries have been established there – after grabbing indigenous community land. A report published in 2017 showed that between 1950 and 1993, 1,446 villages in Odisha had been displaced by development projects which drastically worsened the lives and livelihoods of the indigenous population. The neighbouring states of Chhattisgarh and Jharkhand have had similar experiences.

In 1955, for example, the Rourkela Steel Plant was established in 20,000 acres of what was community land and 92 villages were displaced. These practices continued, and when the Shiva Cement Company took 12 acres of indigenous community land in Sundargarh in 1982 it became clear that villagers were still unaware of the legal situation and of the impact the cement factory would have on their livelihoods. A side road covering one kilometre of community land and 6 acres of private tribal land was constructed from the main road to the company site. According to villagers, the Shiva Cement Company only paid partial compensation to three persons, while the daily lives of indigenous peoples living beside the highway was seriously affected and disturbed because their communities were divided. The landscape was also split in such a way that village cattle could no longer move freely.

*Cover One village's fight has inspired many other communities to fight against land grabs*



Above A rally demonstration

Cases of displacement and compensation that have been taken to court are still there several years later, and victims receive no justice for the fact that their health, livelihoods, employment opportunities, culture, traditional knowledge and education have been seriously damaged. In addition, resources have been polluted and the noise caused by industrial developments is increasing.

### **A community pushes back**

Telighana is an indigenous village in the Kutra Block of Sundargarh District. On September 8<sup>th</sup>, 2017, the Kutra *Tehsildar* (revenue officer) gave a notice to the community regarding the demarcation of the 25.69 acres which were already given in lease to the Shiva Cement Factory by the Industrial Development Corporation (IDCO), Odisha. Five days later, on September 13<sup>th</sup>, the villagers became aware of the plans and they were strongly opposed to them. They gathered together and called the *Tehsildar* to ask her why she had approved the demarcation process. After frequent calls and requests, she came to the village along with four police trucks. Community members asked her to explain why she had come with the police, and if it was even possible to lease community land to this company. They told her that the *Gram Sabha* (General Assembly) had passed a resolution five times earlier stating that since this land was the only land available for grazing the village cattle, it would not be leased to any company.

The Telighana village community had endorsed these resolutions in their *Gram Sabha* and based on them, and in accordance with the national legislation, they argued that community land could not be leased to anyone without the community's consent. The community members expressed their views very strongly. When the *Tehsildar* tried to threaten them, the community pushed back. They asked her to



apologise and give a written document stating that she would not go against the decision of the *Gram Sabha* and the legislation.

The Police Deputy Superintendent also asked the *Tahsildar* to sign a document. However, the *Tehsildar* kept threatening the villagers, and the Sundergarh Police Superintendent threatened the Sarpanch – the elected head of the village government – on the phone saying that a case would be filed against the villagers. The Sarpanch asked the Superintendent to stop threatening and said he could also file a case if he wanted to, and that despite all these pressures community members would not give up their stand.

The villagers had been preventing the *Tehsildar* and her police convoy from leaving the village. As a result, the Block Division Officer came to the village and asked for forgiveness on behalf of the *Tehsildar*, who was herself non-apologetic. Based on this and at the request of the Block Division Officer, the village people let the *Tehsildar* and her police convoy go, on condition that she would not repeat this mistake again. However, before she left the village she threatened again to file a case against the villagers. The villagers responded by saying they would also file a case against her and the police for violating the constitution and the indigenous people's constitutional rights. They also started consulting indigenous leaders in neighbouring villages, as well as lawyers, asking how they could resist the *Tehsildar's* actions, and prove to the administration that no one should dare to take indigenous community land without a prior and informed consent.

In reaction the *Tehsildar* filed a First Information Report (FIR) with the police against 23 villagers, and since they knew there was a high possibility of arrest, the community applied for anticipatory bail against this FIR from the High Court. The High Court granted bail. Village people are now planning to file a case in the Odisha High Court.

# The Telighana case can play an important role when teaching government officials and corporate and industrial institutions about the jurisdiction and power of the *Gram Sabha* and of the local inhabitants.

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Tribal leaders still face the possibility of arrest. The police have also joined the game by issuing a notice to a few community members to come to the Kutra police station for discussion. In this way, the various arms of the state – the political parties, the local administration and the police – are conspiring to suppress the village people of their rights. The case will be going to court and the community is planning a big rally very soon. Villagers are standing strong and have vowed not to lease their land.

## **A common problem**

The intention of documenting the specific situation in this village was to show how indigenous community lands are being grabbed, and provide information that can help to know more about this and similar ongoing violations of human rights, and encourage solidarity and support. Such factual evidence can also help create unity amongst the victims, and encourage them to seek justice for their collective land rights as well as legal protection.

Recently, in the state of Jharkhand, indigenous peoples have been opposing the government's plan to establish a Wild Life Corridor because it would threaten the livelihoods of thousands of peoples in the 214 villages in the area. A similar problem was reported in Chhattisgarh by the Indigenous Human Rights Defender. Here, 84 villages face displacement because the Forest Department has planned to establish an elephant corridor and an animal sanctuary.

Indigenous peoples threatened by these developments have been fighting for their rights, and there are already numerous cases in the High Court and the Supreme Court. In the meantime, they are submitting memoranda to the State Governor and also to the

President of India, as well as holding demonstration and sit-in protests. Threats of arrest and torture, and of being falsely charged, have not deterred their protest activities.

## **"The more suppression, the more objection"**

For many years, indigenous peoples have been organising events, submitting written objections and preparing press releases about the way the authorities and the industries are exploiting their mineral-rich land. These activities have led to villagers developing a sound knowledge and understanding of their constitutional and legal rights. At the grassroots levels, women are also active and have a good understanding of the constitution and, for example, the Forest Rights Act (FRA). Unfortunately, despite their efforts, land grabbing and the failure to respect human rights continues. In the courts the cases they have submitted are taking a long time, supporting the villagers' claim that "late justice is not justice".

The Telighana villagers were successful in the case they brought against the *Tehsildar*. However, they find that this does not go far enough, and there was a plan to file a case in the High Court against IDCO, against members of the government administration and the other authorities involved. The objective was to make indigenous rights violators aware of the consequences of these violations, as villagers say, so that they will never dare to repeat them again.

A few years ago when community people were not aware of their rights and had no knowledge and understanding of their constitutional rights, they were afraid of the police and of the government officials. However, land grabbing has shown the negative side



*Right Villagers question the activities of the government and of the police, and react strenuously when falsely accused*



of the government's policy of industrial development in indigenous territories. Villagers now know that there is no such thing as government land. All lands are community land which cannot be taken away without their consent or the consent of the *Gram Sabha*.

They have also developed the capacity to question the activities of the government and of the police, and to react strenuously when they are being falsely accused. The authorities have to take account of the growing strength of the indigenous communities and of their willingness to fight for their rights. These communities now have the capacity to teach the government and the police about the constitution, and about the laws that affirm the rights of indigenous communities. In a sense, the communities have become unofficial and non-license holder lawyers.

## Conclusion

Telighana provides an example of a community strongly opposed to the approval of a land demarcation process that would result in land being leased to a cement company. The villagers knew that it would be a hard struggle because the government and its security forces, along with the political parties, do not object to this demarcation. The unity that has built up between indigenous communities provides them with the strength to question both government officials and police. Villagers consider that the police should go and deal with criminal offences rather than opposing their struggle to get their constitutional rights recognised.

It has also become clear that in many cases, even government officials are unaware of the many laws that relate to the indigenous populations, and this leads to the violation of their rights. The factual materials collected during the study of the Telighana case can play an important role in teaching government officials and corporate and industrial institutions about the jurisdiction and power of the *Gram Sabha* and of the local inhabitants, as guaranteed by the Constitution.

It can also inspire other victim communities to fight boldly and steadily against land grabs. Ultimately, the land rights of indigenous communities must be addressed and guaranteed, and land that has been grabbed should be returned with adequate compensation. This would be the best way to alleviate the pain experienced by indigenous communities.



**Prem Singh Tharu** works as Environment Programme Officer at Asia Indigenous Peoples Pact (AIPP). An anthropology student, he advocates for the indigenous peoples' rights, their cultures and practices.  
*E-mail: [prem@aippnet.org](mailto:prem@aippnet.org)*

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